

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

TUESDAY, 6 DECEMBER 2022

Link to live stream: <https://youtu.be/rjM55vbaa0g>

Councillors Present: **Councillor Anya Sizer in the Chair**
Cllr Penny Wrout and Cllr M Can Ozsen

Officers in Attendance: Rabiya Khatun – Governance Officer
Amanda Nauth – Licensing and Corporate Lawyer
Channing Riviere - Principal Licensing Officer
Suba Sriramana – Principal Licensing Officer

Also in Attendance: My Ex Bar
Tony Manconi - Applicant
Matt Lauezzari - Agent for the Applicant

Other Persons
Oliver Reed
Cllr Rathbone
Cllr Troughton

1 Election of Chair

1.1. Cllr Sizer was duly elected as Chair of the meeting.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interests

4 Minutes of the Previous Meeting

4.1 There were no minutes for consideration at the meeting.

5 Licensing Sub-Committee General Information & Hearing Procedure

5.1 All parties noted the hearing procedure for the meeting.

6 Variation of Premises Licence: My Ex Bar, 11 Chatsworth Road, London, E5 0LH

6.1 The sub-committee heard from the Principal Licensing Officer, Agent for the Applicant, the Licensing Authority and Other Persons. During the course of submissions and a discussion of the application, the Sub-committee noted the following:

- The additional information was noted by all parties.
- The Agent for the Applicant outlined the variation application that was seeking to amend condition 37 to extend the terminal hour for the outside seating area Mondays to Saturdays from 22:00 to 23:00 hours and Sundays to 22:30 hours, and amend condition 31 to “The outside seating area shall not be used after 22:00 hours.” The premises was located within a residential area, the extension being sought was essential for the viability and survival of this small business, the Applicant had been operating since 2009 and there had been no history of any incidents or issues at the premises, there were no other representations from the Responsible Authorities including the Police or Environmental Protection in relation to crime and disorder and anti-social behaviour, there had been no complaints received relating to the use of the outdoor seating area and all staff had been provided training.
- It was emphasised that the Applicant was a responsible operator complying with the conditions on the licence, a maximum of 10 persons would be allowed in the outside seating area which was a third of the total capacity and alcohol would be available by waiter/waitress service. This was a small premises and the noise in the outside seating area before 23.00 hours would be quieter than the levels of noise coming from the traffic and buses near the premises.
- The Agent for the Applicant responded that the internal capacity was 20 to 25, in the current economic environment following Covid-19 even small margins made a difference to a small business’ survival and there would be appropriate table signage on the outdoor tables to be respectful of neighbours.
- The Licensing Authority’s representative objected to the application on the grounds of the prevention of public nuisance and stated that the additional hours should not be granted because of the potential negative impact on residents living close to the premises. Officers had visited the premises in July 2022 following a complaint and a warning letter had been issued after the premises had been found in breach of operating 40 minutes beyond the terminal hour. Further clarification was sought regarding the outdoor area training for staff.
- The local Ward Councillors of Lea Bridge and Kings Park on behalf of the local residents objected to the application on the grounds of the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm and stated that the extended hours being sought of 23.00 hours was too late. This was a predominately residential area and the residential properties nearby had already been affected by the high levels of repeated noise disturbance and anti-social behaviour coming from patrons in outdoor seating area until late at night especially during the summer, the proposed hours would be counter to the nature of Chatsworth Road’s bars and pubs which had no outdoor seating areas and would lead to an increase in noise and public nuisance, the bar inside the premises was small and this could lead to more patrons being seated in the outdoor area beyond the capacity, in reality the removal of street furniture would lead to the outside seating area closing after 23.00 hours, there would be a negative impact on the families living near the premises especially those that had to sleep early at 22.00 hours for school and work, they lacked confidence in the Applicant to operate responsibly due to the repeated breaches despite residents’ complaints

Tuesday 6 December 2022

about the noise nuisance in the external area and on 12 November 2022 there had been evidence of street furniture on the highway, the premises was located near a noisy junction and it was believed that the Applicant needed to operate for a minimum of one year to build a good track record and prove he was aware of the importance of complying with licensing conditions.

- In response to questions, the Agent for the Applicant clarified the Applicant would be reallocating an existing member of staff to monitor the outside area at no additional costs, acknowledged that premises was near a busy and noisy junction, the noise in the outdoor area would be from conversations only and no music, and the residential units were above commercial units along Chatsworth Road.
- The Sub-committee expressed concern that the staff assigned to work in the outside seating area could be reassigned to other duties inside the premises when it became busy
- The Agent for the Applicant outlined the external training for staff and proposed that an extra staff could be employed to monitor the outdoor seating area to address the concerns raised.
- All parties made closing remarks.

RESOLVED:

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

the application to vary a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP6 and LP11 within the Council's Statement of Licensing Policy.

Reasons for the decision

The Licensing Sub-Committee, having heard from the Licensing Authority and the Other Persons believed that granting this application is likely to result in the licensing objectives being undermined and will have an impact on the area.

The Sub-committee took into consideration that there were objections raised by Other Persons (two local Ward Councillors Lea Bridge and Kings Park on behalf of the local residents) on the grounds of the four licensing objectives. The Sub-committee took into consideration objections raised by the Licensing Authority on the grounds of public nuisance.

The Sub-committee took into consideration the concerns of the Licensing Authority that additional hours in this area could have a negative impact on nearby residential properties therefore undermining the prevention of public nuisance.

Tuesday 6 December 2022

The Sub-committee took into account that there had been complaints from local residents due to the level of noise coming from the premises which affected their sleep. The Sub-committee took into consideration the alleged breaches of the conditions of the premises licence by having customers seated outside until late at night.

The Sub-committee took into consideration representations made by the Ward Councillors on behalf of the local residents that it is not appropriate to allow outdoor seating until 23:00 at a bar in a residential area such as Chatsworth Road and the surrounding streets, especially on weekday nights and Sunday evenings.

The Sub-committee noted that the noise disturbance from the premises during the Summer months in 2022 following its opening was significant and repeated despite residents complaining. The Sub-committee heard that the indoor section of the bar is small and so the business is strongly incentivised to exceed its outdoor seating restriction.

The Sub-committee carefully considered the representations made by the Premises Licence holder, the Licensing Authority and Other Persons (Ward Councillors). The Sub-committee was not convinced by the Premises Licence holder's proposed variation of the premises licence which was contrary to the Council's Licensing Policy LP6.

The Sub-committee felt that there were not strong mitigating factors or evidence to support why the Premises Licence holder should be granted the variation to the premises licence because it will have an impact on the residential area that was in close proximity to the premises. The Sub-committee also took into consideration the Premises Licence holder's track record.

The Sub-committee felt that the nature of the area is changing to increased daytime business as trade increases. The Sub-committee encourages more daytime use in keeping with the area.

The Sub-committee also felt that by not granting this variation application it would prevent anti-social behaviour which would contribute to increasing public nuisance in the area.

The Sub-committee took into consideration when refusing this application that each case is considered on its merits. The Sub-committee believed that the licensing objectives could not be promoted by granting this variation application, and as such believed it was appropriate to refuse the application in its entirety.

7 New Premises Licence: The Fisheries Work Space,1 Mentmore Terrace, E8 3PN - TO FOLLOW

7.1 The Chair advised that Environmental Protection had withdrawn its representation and therefore the application had been withdrawn.

RESOLVED:

The application had been withdrawn.

8 Temporary Event Notices - Standing Item

8.1 There were no temporary event notices.

Duration of the meeting: 2.00pm

Contact:

Governance Services Officer:

Tel 020 8356 8407